

Exhibit B

From: [Fairchild, Katie \(USA/AW\)](#)
To: [Swift, Chris](#); [Kumar, Ambika](#); [Dinesh McCoy](#); [Sejal Zota](#)
Cc: [Cravens, Annalisa \(USA/AW\)](#); [Fonseca, Joseph \(USA/AW\)](#); [Kidd, Paul Albert \(USA/AW\)](#)
Subject: NWDC Resistance v. ICE -- proposed PO
Date: Monday, May 15, 2023 6:02:00 AM
Attachments: [DRAFT PROPOSED Protective Order 5.23.docx](#)

Counsel,

Following up on our discussions regarding protecting third-parties, and Plaintiffs' proposal regarding Plaintiffs' discovery responses, ICE proposes the following to resolve the discovery dispute and continue to move forward:

ICE' Proposal:

- Revise the PO to allow the parties to use the AEO designation to protect the personal identifying information of non-parties (e.g., third parties identified by Plaintiffs and non-public federal employees identified by ICE) and also include additional language indicating that documents and information produced in this case should only be used for use in this case: "a Receiving Party may use AEO or Confidential Information only in connection with prosecuting, defending, or attempting to settle this Action. The AEO or Confidential Information shall not be used by the Receiving Party for any purpose outside of this Action. No one subject to this Protective Order shall use Confidential Information obtained in this Action to retaliate against, intimidate, discriminate against, or harass any individual in any manner."
- Both parties will agree to redact non-public individuals' names in public court filings and/or anonymizers may be used in public court filings. The PO will be revised to reflect this.
 - Our understanding is that the parties cannot stipulate to seal any information, as that is a Court determination. However, the parties can agree to *redact* information. The parties agree to redact rather than require the other side to move to seal. If there is a dispute regarding a specific individual, the parties will meet and confer before any motions practice.
- Transcripts, or portions of transcripts, may be designated as Confidential or AEO under the PO.
- ICE won't agree to no further discovery or not to seek the testimony of any individual, especially without knowing what Plaintiff will or won't produce in response to the currently propounded discovery.